

REMARKS

Applicant has studied the Office Action dated October 6, 2004, and has made amendments to the claims. Claims 6 and 9 have been canceled without prejudice. Claims 1-5, 7, 8 and 11-22 have been amended. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Objection to the Specification

The Examiner objected to the specification due to informalities. In response, the specification has been amended to comply with the suggestions of the Examiner on page 2 of the Office Action. In view of this, Applicant respectfully requests that the objection to the specification be withdrawn.

Objection to the Title

The Examiner objected to the title of the invention because it is not descriptive. In response, the title has been amended to clearly indicate the invention to which the claims are directed. Thus, Applicant respectfully requests that the objection to the title be withdrawn.

Objection to the Claims

The Examiner objected to various claims, as listed on pages 2 and 3 of the Office Action, due to informalities. Applicant respectfully submits that with this paper, the informalities pointed out by the Examiner have either been corrected or are no longer present due to amendment. In view of this, Applicant respectfully requests that the objection to the claims be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1-6 and 8-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,414,686 to Iitsuka ("Iitsuka"). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, claim 1 has been amended to recite "a size of the first data type and the second data type is equal to that of a predetermined data unit to be used in a writable recording medium, which is a counterpart of the read-only recording medium, the predetermined data unit including user data and invalid data." litsuka, on the other hand, does not teach or suggest this limitation. Therefore, it is respectfully submitted that claim 1, and the claims dependent therefrom, are allowable over the prior art.

Furthermore, claim 11 has been amended to recite "at least one waste area ensuring compatibility with a writable recording medium, which is a counterpart of the read-only recording medium, wherein the at least one waste area includes invalid data that is excluded from data reproduction, and the waste area is located at a predetermined interval between first data units including real user data, the first data units including at least one error correcting code (ECC) unit having error correcting code." litsuka does not teach or suggest this limitation. In view of this, it is respectfully submitted that claim 11 is allowable over the prior art.

Rejections under 35 U.S.C. § 103

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over litsuka. This rejection is respectfully traversed. In view of the amendment made to claim 7 and its base claim (claim 1), Applicant respectfully submits that litsuka does not teach or suggest the claimed invention. Thus, Applicant respectfully requests that the rejection, as to claim 7, be withdrawn.

Claims 12-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over litsuka in view of U.S. Patent No. 4,792,917 to Takamatsu ("Takamatsu"). This rejection is respectfully traversed.

With this paper, claims 12-22 have been amended. As such, Applicant respectfully submits that the litsuka and Takamatsu references, either alone or in combination, do not teach or suggest the invention of the amended claims. Thus, it is respectfully requested that claims 12-22 be allowed.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope

of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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By: _____



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